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Attorney Docket No.: 81862P146

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Satish D. Deo, et al.

Examiner: Lee, Chi Ho A.

Application No.: 09/270,297

Art Unit: 2663

Filed: March 15, 1999

For: A MULTI-SERVICE ARCHITECTURE
WITH ANY PORT ANY SERVICE
(APAS) HARDWARE PLATFORM

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MAY 09 2003

Technology Center 2600

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450RESPONSE TO NOTICE REGARDING
RESCISSION OF NONPUBLICATION REQUEST

Sir:

On September 9, 2002, applicants filed a Non-Publication Request Under 35 U.S.C. § 122(b)(2)(B)(i), which was erroneous given that the Request was inadvertently filed subsequent to foreign filing. Applicants on March 5, 2003 filed a Request Under 35 U.S.C. § 122(b)(2)(B)(iii) to Rescind the Request for Non-Publication Under 35 U.S.C. § 122(b). On April 3, 2003, the U.S. Patent and Trademark Office mailed a

STATEMENT OF MAILING OR TRANSMISSION

"Express Mail" mailing label number: EV341063365USDate of Deposit: May 6, 2003

I hereby state that I am causing this paper or fee to be deposited with the United States Postal Service "Express Mail Post Office to Addressee" service on the date indicated above and that this paper or fee has been addressed to the Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Christopher P. Marshall

(Typed or printed name of person mailing paper or fee)

(Signature of person mailing paper or fee)

(Date Signed)

Notice Regarding Rescission of Non-Publication Request properly acknowledging rescission of the previously-filed request.

Applicants believe the proper procedures have been followed and that this application is still pending. Applicants note that on the website of the U.S. Patent and Trademark Office at <http://www.uspto.gov/web/offices/dcom/olia/aipa/infoexch.htm>, the following is stated in pertinent part in Section CQ of Questions and Answers with respect to the American Inventor's Protection Act of 1999 at question CQ6:

The statute only provides for that an application is regarded as abandoned when the applicant fails to notify the Office within 45 days of a subsequently filed application that is directed to the same subject as the invention of the US application in another country, or under a multilateral international agreement, that requires eighteen-month publication. 35 U.S.C. 122 (b)(2)(B)(iii) does not apply to the situation when the applicant made an improper certification subsequent to the foreign filing.

(Numbered paragraph 2) (emphasis added).

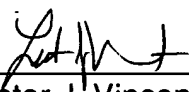
Applicants respectfully request that the previously filed Request Under 35 U.S.C. § 122(b)(2)(B)(iii) to Rescind the Request for Non-Publication Under 35 U.S.C. § 122(b) be treated as both a request to rescind under 35 U.S.C. § 122(b)(2)(B)(ii) and a notification of foreign filing.

Please notify the undersigned attorney for applicants if any further submissions are required in connection with this issue.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: May 6, 2003



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